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“Cookies” and Other User Tracking Methods/Waivers

- Purpose:** This document establishes the policy that individual EPA Web site users will not be tracked by any activity, device, tool, trick, or log, with the exception of “cookies,” which have received limited sanction from the Office of Management and Budget. It also establishes procedures for obtaining approval by the Administrator for a persistent “cookie” on an EPA Public Access Web site.
- Audience:** Office Directors and Regional equivalents, Web developers and contractor employees who produce EPA Web pages
- Background:** To enhance customer service and usability, the private sector has developed software which places “cookies” (see Definitions below) on the hard drive of individuals who access their Web sites. These cookies became an Agency issue in the spring of 2000 when it was learned that the White House Office of Drug Policy server was placing cookies on the hard drives of individuals who accessed its Web site. OMB became concerned that the privacy of citizens was at risk and issued a memorandum in June, 2000 banning all cookies on Federal Web sites unless there is a “compelling need,” approval by the head of the Agency, and a conspicuous notice on the site that cookies are being used. OMB later clarified that using “session” cookies, which expire when the user exits from the Web, is allowed. The requirements for “persistent” cookies remain in effect.
- Additionally, concern has arisen about the future emergence of other user tracking and surveillance devices and techniques. One that has been identified as a current threat is a Web “bug” (see Definitions).
- Policy:** A. Because EPA is interested in protecting personal privacy, individual EPA Web site users will not be tracked by any activity, device, tool, trick, or log. However, in accordance with OPM policies, “session” cookies, and “persistent” cookies for which waivers have been issued, are excluded from this ban.

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B. EPA offices which want to have “persistent” cookies must request permission from the Agency Administrator (see the Attachment A, Procedure for Obtaining a Waiver for a Persistent Cookie, and Attachment B, Optional Checklist for “Cookie” Waivers). Each application will be evaluated separately, weighing the benefit to the customer against the compromise of privacy. Consideration for a waiver include situations where the absence of a persistent cookie adds substantial burden to the customer and there are no viable alternatives to the cookie. Examples are:

1) the Web site involves a complicated set of tasks that generally require more than one session to complete, and it is inefficient to have the customer start anew each session. An example would be a training application. However, in this situation, consideration should be given to storing the student’s record of training on the server, in lieu of a cookie.

2) the Web site features a complicated search routine which customers re-use in later visits. The cookie obviates the need to re-enter multiple search criteria.

Where there are multiple persistent cookies within a single application, a group waiver request is permissible.

**Roles and
Responsibilities:**

Offices of the Administrator, Assistant Administrators, General Counsel, Inspector General, Chief Financial Officer, Associate Administrators and Regional Administrators, in their areas of responsibility, shall ensure compliance with this policy.

The Chief Information Officer/Assistant Administrator, Office of Environmental Information (OEI), is responsible for considering/granting waivers and for monitoring compliance with this policy.

Authorities:

a. OMB Memorandum 00-13, Jacob J. Lew, Director, Office of Management and Budget, “Privacy Policies and Data Collection on Federal Web Sites,” June 22, 2000
(<http://www.whitehouse.gov/OMB/memoranda/m00-13.html>)

b. Letter, John T. Spotila, Administrator, OMB Office of Information and Regulatory Affairs, to Roger Baker, Chief Information Officer at the Commerce Department, September 5, 2000
(<http://cio.gov/docs/OMBCookies2.htm>)

c. Memorandum, Margaret N. Schneider, Principal Deputy Assistant Administrator, Office of Environmental Information, "Protecting Personal Privacy on EPA's Public Access Web Site: "Cookies Policy," October 25, 2000. (<http://www.epa.gov/webguide/docs/cookiepolicy.htm>)

Related Documents: Web guide (<http://www.epa.gov/webguide/>)

Definitions:

"Cookie" – a "cookie" is a short string of text that is sent from a web server to a user's hard drive when the user accesses a web page. When a browser requests a page from the server that sent it a cookie, the browser sends a copy of that cookie back to the server. Cookies can provide more efficient navigation through Web pages and speed the delivery of information to the user. Cookies can also be used to gather personal information and to track the Web sites accessed by individuals, raising a privacy concern.

"Persistent cookie" - a cookie which remains on a Web user's hard drive after the user terminates a Web session.

"Session cookie" - a cookie which disappears when the Web user terminates a Web session and closes the browser.

Web "bug" - a graphic on a Web page that is designed to monitor who is reading the Web page.

**Additional
Information:**

For further information about this Policy, please contact Odelia Funke, Chief, Policy and Program Management Branch, Office of Information Analysis and Access, 202-260-0244, email: funke.odelia@epa.gov.

Attachment A, Procedure for Obtaining A Waiver for a Persistent Cookie
Attachment B, Optional Checklist for "Cookie" Waivers

Attachment A

Subject: Procedure for Obtaining A Waiver for a Persistent Cookie

Related Document: CIO Policy 00-000-OIAA, Cookie Waivers

Procedures: The EPA office seeking to place a persistent cookie on an EPA Web site provides a memorandum from the Office Director through the Information Access Division (MC 2843), Office of Information Analysis and Access, Office of Environmental Information, to the CIO which:

- (1) identifies a data owner responsible for the EPA page;
- (2) describes the content and purpose of the page containing the proposed cookie;
- (3) describes the compelling need to gather data on the Web site, and the privacy safeguards to be used for handling information derived from the cookie;
- (4) discusses alternatives to the cookie placement and their disadvantages;
- (5) includes the proposed notice to users that the cookie is being placed on their computers;
- (6) describes any alternate access paths in lieu of accepting the cookie; and
- (7) provides the Universal Resource Locator (URL) for the test Web site or a paper document mock-up of the site.

The CIO will review the request, recommend approval or disapproval, and forward the waiver request to the Administrator within 20 business days. After receipt of the Administrator's decision, the CIO will inform the requesting office within 5 business days.

Additional Information:

For further information about this procedure, please contact Odelia Funke, Chief, Policy and Program Management Branch, Office of Information Analysis and Access, 202-260-0244, email: funke.odelia@epa.gov.

Attachment B

Optional Checklist for “Cookie” Waivers <i>Not mandatory -- to be Completed and Kept by Originator</i>			
Step		Reviewed/Approved/ Completed by:	Date
#1	The compelling need for a “persistent” cookie is identified in application development.		
		Application proponent	
#2	Approve the cookie. Prepare memorandum addressed to Chief Information Officer describing the compelling need to gather data on the Web site, the privacy safeguards to be used for handling information derived from the cookies, and the proposed notice to users that the cookie is being placed on their computers.		
		Division Director	
#3	Official Signature/Approval		
		Office Director	
#4	Forward memo through Information Access Division (MC 2843), Office of Information Analysis and Access, Office of Environmental Information, to CIO		
		Support Staff	
#5	CIO reviews, recommends approval or disapproval to the Administrator within 20 business days.		
		CIO	
#6	Administrator concurs/does not concur with CIO recommendation and informs CIO		
		Administrator	
#7	CIO informs requesting office of Administrator’s decision within 5 business days		
		CIO	